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November 16, 2016

Via E-File

The Honorable Ed Kinkeade
United States District Court for the Northern District of Texas
1100 Commerce Street, Room 1625
Dallas, Texas 75242-1003

Re: *Exxon Mobil Corp. v. Eric Tradd Schneiderman, Attorney General of New York, in his official capacity, and Maura Tracy Healey, Attorney General of Massachusetts, in her official capacity*; Docket No. 4:16-CV-00469-K

Dear Judge Kinkeade:

In our status conference this morning, Your Honor asked the parties to work together on the special master proposal suggested by the Court during the call. To that end, we consulted with our clients, and Jeff Tillotson and I spoke at length with Nina Cortell and Justin Anderson this afternoon. We explained that there are payment concerns with respect to a special master in general. We also specifically discussed conflict concerns.

Rather than throwing up roadblocks, however, we told Exxon's counsel that we understood the Court expected us to come up with a solution that would resolve the discovery issues that led to Exxon's request for a status conference on Monday. We proposed that the parties consent to a magistrate to address the jurisdictional and other discovery disputes while the Court is in trial. That proposal would resolve both the payment and conflict concerns above. Exxon's counsel stated that they would discuss that proposal with their client and get back to us. We have not yet heard from Exxon on that proposal.

We recognize that Your Honor needs no reminder from lawyers of the option to refer matters to a magistrate. Nonetheless, we thought the solution a simple one and wanted Your Honor to know we had proposed it.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "P. Marketos", written over a horizontal line.

Pete Marketos

cc: All counsel of record *via e-file*

CERTIFICATE OF SERVICE

The undersigned certifies that on November 16, 2016, the foregoing document was submitted to the clerk of the U.S. District Court, Northern District of Texas, using the electronic case filing system (CM/ECF) of the court. I certify that the document was served on all known counsel of record electronically as authorized by Federal Rule of Civil Procedure 5(b)(2).

s/ Pete Marketos